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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 RUCHELL CINQUE MAGEE,

12 Petitioner,

13 v.

14 J. GASTELLO,

15 Respondent.
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No. 2:17-cv-1330 AC P

ORDER

17 Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas
18 corpus pursuant to 28 U.S.C. § 2254 and paid the filing fee.


19 Petitioner appears to challenge the execution of his sentence. The general rule with regard
20 to habeas applications is that both the United States District Court in the district where petitioner
21 was convicted and the District Court where petitioner is incarcerated have jurisdiction over the
22 claims. Braden v. 30th Judicial Circuit Court, 410 U.S. 484 (1973). Additionally, “[t]he proper
23 forum to challenge the execution of a sentence is the district where the prisoner is confined.”
24 Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989). Since petitioner was not convicted in this
25 district,¹ and is not presently confined here, this court does not have jurisdiction to entertain the
26 application and will transfer the petition to the proper court. He is presently incarcerated at
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28 ¹ The underlying conviction occurred in Santa Clara County. ECF No. 1 at 1.

1 California Men's Colony in San Luis Obispo County, which lies in the Central District of
2 California. 28 U.S.C. § 84(c).

3 Accordingly, in the furtherance of justice, IT IS HEREBY ORDERED that this matter is
4 transferred to the United States District Court for the Central District of California. 28 U.S.C. §
5 2241(d); 28 U.S.C. § 1406(a).

6 DATED: July 12, 2017

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8 ALLISON CLAIRE
9 UNITED STATES MAGISTRATE JUDGE
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